

A REGULAR WORK SESSION WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 30TH DAY OF JANUARY IN THE YEAR TWO THOUSAND NINETEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 9:00 A.M.

IN RE: CALL TO ORDER

Chairman C. Thomas Tiller, Jr. called the meeting to order.

IN RE: ROLL CALL

Thomas W. Evelyn	Present
C. Thomas Tiller, Jr.	Present
Patricia A. Paige	Present
Ron Stiers	Present
W. R. Davis, Jr.	Present

All members were present. Mr. Tiller thanked everyone for coming to the meeting.

IN RE: NEW KENT FIRE STATION #5 CONSTRUCTION PROJECT UPDATE

County Administrator Rodney Hathaway noted the Board had previously approved a \$2,518,692 contract with Henderson Inc. for the construction of Fire Station #5. A \$2.8 million total project budget including \$281,308 in contingency had also been approved. Mr. Hathaway reported several change orders were being recommended which would result not only in changes to the scope of the project but also the budget. He distributed a "Fire Station #5 Construction Summary" sheet providing details for each of the change orders and the impact each would have on the budget. The change orders were as follows:

Change Order 1 – Additional work totaling \$28,751.59 due to existing soil conditions on site. Mr. Evelyn indicated he had a hard time with this change and asked if the soils had not been tested prior to construction. Mr. Hathaway indicated the soils had been tested and the issue had not been with poor soils but that the soils were wet. Mr. Evelyn again noted concerns with this change order and suggested the contractor had gone into the property when it was too wet. He further suggested they could have waited until the weather was drier and asked for an extension if necessary. Ms. Paige concurred. Mr. Hathaway reported he had been surprised to learn from Mr. Evelyn that additional soil was being hauled into the site. He noted the change order had been approved but the approval had been after the fact. Mr. Davis noted farmers and other professions often had to delay work when conditions were too wet and suggested the contractor should have done the same. Mr. Hathaway noted conditions had been wet for some time and suggested if the contractor had decided to delay, it was possible the project would not have started yet. He also reported that given the structure of the contract, the County could possibly incur additional costs if the project duration was strung out longer than planned.

Change Order 2 – Mr. Hathaway reported Change Order 2 included details on the expenditure of the \$442,726 site work allowance allocation. This original allocation had been based on building the fire station on the site located behind the Visitors Center. When property beside the Visitors Center had become available, the decision had been made to build the station on Route 106. Mr. Hathaway reported it had been believed there would be a significant savings in site work costs at the new location but that had not been the case. Total site work expenditures included:

- Additional Civil Engineering Fees - \$16,369.20
- Site Work Budgeted Cost, Site Bollards, Oil/Water Separator and Concrete Aprons - \$398,059.80
- Site Surveying - \$5,000
- Landscaping - \$4,497
- Dumpster Enclosure Fencing and Gates - \$5,500
- Foundation for Monument Sign and Privacy Wall - \$2,000
- Masonry Work for Monument Sign and Privacy Wall - \$11,300

Change Order 3 – This change order included additional expenditures resulting from changes to wiring for overhead doors and the door finish. Mr. Hathaway reported the original proposal had included locating door controls near the bays but it had been determined they would be better located near the building entrance. This change also included upgrading the overhead doors to include a powder coat finish which would be more durable and would save money in the long run. Total costs would be \$10,782.96.

Change Order 4 – This change order included an additional expenditure to upgrade the façade treatment on the right side of building. This change would result in the same façade treatment on all sides with the exception of the rear of the building. Mr. Hathaway pointed out the County owned ten acres proffered by the Farms of New Kent at this site and suggested it was important to address the right side of the building now in anticipation of future development. The total cost of this change was \$27,724.90.

Change Order 5 – This change order included the installation of chair rails at a cost of \$2,008.87. Mr. Hathaway suggested this was a small cost and would save a tremendous amount in future painting cost.

Change Order 6 – This change order included a \$5,000 credit for water and sewer connection fees. Mr. Hathaway noted the water and sewer connections could be handled by the County.

The six change orders would result in an increase of \$64,268.32. The adjusted contract amount would be \$2,582,960.32 and the adjusted contingency would be \$217,039.68. The contingency balance had been spent or would be spent as follows:

- ECS Mid Atlantic 6/7/18 - \$3,350
- ECS Mid Atlantic 6/28/18 - \$1,550
- ECS Mid Atlantic 6/30/18 - \$4,950
- ECS Mid Atlantic 9/20/18 - \$250
- ECS Mid Atlantic 11/8/18 - \$4,950
- Johnson Controls – Fire Suppression, Alarms and Locks - \$45,965
- Furniture & Fixtures - \$183,280

Mr. Hathaway noted these additional expenditures would result in a contingency deficit of \$27,255.32. He also indicated there would be additional expenses payable to ECS Mid Atlantic. These costs had resulted in an adjusted project budget of \$2,827,255.32. Mr. Hathaway indicated he was requesting an additional appropriation of \$125,000 from Capital to cover the current contingency deficit and allow for additional anticipated costs. If this request was approved, the total adjusted budget would be \$2,952,255.32.

Ms. Paige asked questions regarding Change Order 4. Fire Chief Rick Opett noted the upgrade would result in all exterior elevations except for the back of the building having the same finished façade. The rear of the building would left with the steel building exterior.

Mr. Tiller indicated he agreed with the concerns expressed by Mr. Evelyn and Mr. Davis regarding the additional expense associated with soils at the site.

Mr. Evelyn drew attention to Change Order 2 involving site work. He noted the entire site work budget had been consumed by the list of projects. He also noted the weather had been extremely cold and suggested this could result in additional expenses associated with concrete work. He asked if any additional expenses were expected in this regard. Mr. Hathaway indicated he did not expect any additional expenses associated with the design but noted there could be additional costs for site work.

Mr. Davis asked if a fire truck crossover would be built. Mr. Hathaway reported VDOT had approved an emergency vehicle only crossing.

In response to Mr. Evelyn's comment regarding cold weather and concrete, Chief Opett reported the weather was expected to warm up after Friday and plans were to pour the concrete during this warmer period.

Mr. Evelyn suggested the Board should be provided with a monthly update on the fire station project.

Mr. Stiers suggested it had been known that (three) façades were needed and asked why this was now an "afterthought." Mr. Hathaway indicated this was a result of the design-build procurement process and the third façade had not been included in what had been offered. Mr. Stiers questioned the \$5,500 price for dumpster enclosure fencing and gates in Change Order 2. Mr. Hathaway indicated this was a County Code requirement and the proposal was for a masonry wall. He suggested the enclosure could be downgraded to a wooden fence which would result in additional maintenance requirements.

Mr. Tiller also drew attention to Change Order 2 and asked if the monument sign was a change. Mr. Hathaway reported that although it had been included in the County's list of requirements, the contractor had not included the price of a sign in their proposal. He indicated this was still under discussion. Mr. Tiller noted his biggest concern was the soil issue. He was particularly concerned that the contractor had started delivering soil to the site without any notice to the County. Chief Opett indicated he believed if they had moved forward with building behind the Visitors Center, the cost would have been much more than the \$442,726 site work allowance.

Mr. Evelyn indicated he was most concerned with the lack of communication. Mr. Hathaway indicated Henderson's position was that they did talk to someone and they had been given the go ahead.

Mr. Evelyn moved to appropriate \$100,000 from Capital to the Fire Station #5 project. The members were polled:

Thomas W. Evelyn	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Nay
C. Thomas Tiller, Jr.	Nay

The motion carried.

IN RE: PRESENTATION ON THE NEW KENT POST OFFICE RELOCATION PROJECT

United States Postal Service (USPS) Real Estate Specialist Richard Hancock provided an update on the possible relocation of the New Kent Post Office. Mr. Hancock indicated he was involved whenever there was a plan to move a post office or build a new post office. He noted the current New Kent Post Office was "undersize" and plans were to move operations to a location that would be double in size. He reported this project was funded and they were actively looking for alternative locations. Postal regulations required that whenever a post office move was contemplated the public be given a thirty-day comment period. The thirty-day period for this project would start on January 30th and would provide an opportunity to solicit input from the public, land owners and developers. Mr. Hancock indicated the Post Office would prefer to find a preexisting facility but noted there could be developers and/or land owners who would be interested in building a facility to rent to the Post Office. Viable alternatives for a new location would be identified and ranked. Mr. Hancock indicated moving a post office was time consuming and expensive and the USPS did not take the decisions lightly. He again noted the New Kent Post Office needed a larger facility and the goal would be to stay as close to the current location as possible. The proposed new location would be 2,000 square feet, have seventeen parking spaces and delivery access. Mr. Hancock indicated he would be the point of contact and noted the thirty-day comment period was just the start of the process. He entertained questions.

Mr. Davis asked how far from the existing facility would the USPS be considering for the new location. Mr. Hancock suggested they would prefer something within a one to two-mile radius but noted this distance may be difficult to apply in this case. The new location would need to be within the existing zip code and would have to be "operationally and economically effective for us." Mr. Davis also expressed concerns with existing postal routes and divisions within the County. He noted some residents in the Lanexa zip code were traveling almost thirty minutes to pick up packages from the Post Office. He suggested there had been some effort twenty years ago to "straighten out" the Post Offices in the County but nothing had changed. Mr. Hancock indicated he didn't have an answer but noted that as routes evolved they often didn't fit into a nice grid. He suggested routes were an operational issue and indicated he could get this concern to someone who could answer. He noted his focus was on getting a new post office in New Kent County.

Mr. Hathaway asked if any consideration had been given to expanding the current location. Mr. Hancock reported this option had been considered but the existing property lines would not allow for expansion. He also noted it was often more expensive to build an addition than to start fresh.

Ms. Paige suggested the Quinton and Providence Forge Post Offices were or soon would be in the same situation as the New Kent Post Office. She asked if the USPS had considered the possibility of moving the postal carriers out of the post offices and into a distribution center. She suggested one post office could be included in the distribution center and this would prevent New Kent County from coming back in a few years asking for two more post offices. Mr. Hancock indicated that when he received instructions the decisions had already been made. He noted the USPS looked at growth and they would be funding a very expensive long-term investment in New Kent. Ms. Paige reported she had previously sent information to USPS officials regarding developers and builders who may be interested in the New Kent project. Mr. Hancock encouraged her to also send this information to him.

Mr. Evelyn asked if the County should consider partnering with the USPS to build a facility which could possibly include additional office space for County use. Mr. Hathaway suggested this could be an option.

Mr. Davis asked what the lease rate would be for a USPS facility. Mr. Hancock indicated there were many variables in determining the rates and he couldn't say what the rate would be for this facility. He noted the USPS would be looking for a 2,000 square foot shell facility and they would then "postalize" it (finish the interior).

Commissioner of Revenue Laura Ecimovic asked if the USPS had given any consideration to the vacant commercial condo space on Route 106. Mr. Hancock indicated he believed this space had been considered but did not fit into the plan. Ms. Ecimovic suggested the space could possibly work better as a distribution center. Mr. Hancock indicated he could meet with Ms. Ecimovic after the Board meeting to further discuss this space.

Mr. Stiers indicated he understood Mr. Hancock was present to discuss the New Kent Post Office facility but asked if he had any idea what was going on at the Providence Forge Post Office. Mr. Hancock indicated he did not know anything about the Providence Forge Post Office. Mr. Stiers elaborated by listing a number of facility deficiencies including no heat, no air conditioning and no hot water. He suggested the Providence Forge Post Office was "probably in worse shape than New Kent." Mr. Hancock indicated if the Providence Forge facility was a leased property, it was the landlord's responsibility to address these concerns. He suggested local Post Office representatives should reach out to the landlord and if the issues were not fixed, the concerns should move up the chain. Mr. Stiers suggested the local people had no idea who owned the building and noted, "they think you do." Mr. Hancock noted he was an acquisition project manager and had nothing to do with landlord/tenant issues but could get this information to individuals who could do something.

Ms. Paige suggested there had been a time when the USPS had been known for good customer service and punctuality. She reported she was receiving numerous calls and complaints about no mail or late mail delivery and suggested a big issue was that the New Kent Post Office seemed to have difficulty keeping a postmaster. Mr. Hancock again noted the New Kent Post Office project was funded to move forward. He noted he could not address concerns regarding operations and customer service but he could be a conduit to get those concerns to upper management.

Mr. Davis asked if the USPS had certain contractors they used for constructing new post office facilities. Mr. Hancock indicated they did have some Virginia and Maryland based contractors and they liked to build local when possible.

Mr. Hathaway confirmed the USPS was looking for a 2,000 square foot facility with seventeen parking spaces and a loading dock. Mr. Hancock confirmed and noted the square footage would be a requirement.

Mr. Davis asked how the postal service viewed handling package delivery for other vendors. Mr. Hancock indicated the USPS was helping package delivery reach out into "the last mile." He suggested the USPS understood the packaging business was the future and they were already there, ready to provide the service and get the revenue where they could. He closed by suggesting it may take a while to get a new Post Office in New Kent but noted this new Post Office would be here for fifty years. He encouraged anyone with additional questions or comments to contact him. He left a supply of business cards for Board members and Mr. Tiller thanked him for the presentation.

IN RE: OTHER BUSINESS – PUBLIC UTILITIES –

County Administrator Rodney Hathaway reported Public Utilities Director Larry Dame had two Public Utility related items he wished to share with the Board.

HAMPTON ROADS SANITATION DISTRICT (HRSD) REQUEST

County Administrator Rodney Hathaway reported Hampton Roads Sanitation District (HRSD) was interested in entering into an agreement with the County to treat some of their wastewater. A MOU (Memorandum of Understanding) would be needed and he asked the Board if they would be comfortable if Public Utilities Director Larry Dame and he negotiated such an agreement to be brought back to the Board. He reported the wastewater would be from the Town of West Point and New Kent would have no up-front costs associated with providing this service. He suggested there would be some costs with connecting at the treatment plant and negotiations would include HRSD covering these costs. Mr. Dame reported HRSD was requesting 600,000 gallons per day and in extreme situations the volume could increase to one million gallons per day. He noted an agreement for 600,000 gallons per day would be equivalent to 30% of the treatment plant's capacity.

Mr. Davis asked what this would "mean to the bottom line." Mr. Evelyn noted the terms of the MOU to provide these services had not been determined and suggested the answer to this question should not be given during an open meeting. County Attorney Brendan Hefty noted the Board did not have to talk about the financial details now. Discussion ensued as to whether or not this was a valid reason to go into closed session. Mr. Evelyn suggested any further discussion on the topic be tabled. Mr. Hathaway noted Mr. Dame and he needed to know if the Board was comfortable with them negotiating an agreement to be brought back to the Board and would they be willing to consider such an agreement. Mr. Davis asked, "What's in it for us?" Mr. Evelyn again expressed concerns about giving the County's position away to HRSD. Mr. Dame noted Mr. Davis was asking for prices and rates which had not been determined. Mr. Davis indicated he didn't want Mr. Dame and Mr. Hathaway to bring a contract to the Board, and suggested they wanted to be involved in the negotiations. Mr. Evelyn suggested it would be better for Mr. Dame and Mr. Hathaway to do the negotiations and then bring a proposal to the Board. Mr. Davis asked would it be possible to get Eltham on the system if an agreement was reached with HRSD. Mr. Dame indicated this was a possibility and noted this was something that could be negotiated.

The general consensus was to move forward with negotiations.

NEW KENT WATER EXTENSION/CONNECTION TO CHARLES CITY

County Administrator Rodney Hathaway reported New Kent had been approached by Charles City County regarding property on Route 106 within their boundaries. A prospective business was interested in locating to the property on Roxbury Road if public water could be provided. Charles City was requesting approval to connect to the New Kent County waterline. Charles City County or the prospective business would be responsible for all costs. Public Utilities Director Larry Dame reported Charles City had indicated this business was requesting 30 million gallons of water per year. Mr. Dame indicated he had told them that if New Kent agreed, he did not see New Kent paying for anything. He reported they were willing to pay for the water but were requesting a bulk rate which New Kent did not currently offer. Mr. Evelyn asked if there were any concerns regarding New Kent's water capacity. Mr. Dame reported the Farms of New Kent permit was up for renewal. He had

spoken with the DEQ (Department of Environmental Quality) and they had raised no issues. Mr. Davis asked if such an agreement would help with the surface water withdrawal from the Pamunkey River. Mr. Dame indicated it should. He also noted if Charles City pursued a new permit, it would take well over a year which was why they were coming to New Kent now. Mr. Davis asked what would happen if New Kent did not get a permit from the DEQ. Mr. Dame indicated he would not be coming to the Board now if he was not confident New Kent would get a permit. Mr. Hathaway noted the agreement would be contingent upon New Kent receiving a permit and Mr. Dame noted it would be three years before any water would be pulled into Charles City. Mr. Evelyn asked if negotiations would be with Charles City County. Mr. Dame noted negotiations would be with the land owner and not the County.

The general consensus was to move forward with negotiations.

In regard to the surface water withdrawal permitting process, Mr. Dame reported the VMRC (Virginia Marine Resources Commission) permit had been approved and the project was continuing to move forward.

IN RE: ANNOUNCEMENT OF UPCOMING MEETINGS

Mr. Tiller announced the Board was about to go into closed session and there would be no further actions taken. He announced the next regularly scheduled meeting of the Board of Supervisors would be held at 6:00 p.m. on Monday, February 11, 2019, and the next work session at 9:00 a.m. on Wednesday, February 27, 2019, both in the Boardroom of the County Administration Building.

Mr. Stiers noted the Board of Supervisors would also meet for a Budget Retreat at 9:00 a.m. on Thursday, February 15, 2019 at the Providence Forge Recreation Center, 9900 Carriage Road, Providence Forge.

IN RE: CLOSED SESSION

Ms. Paige moved to go into closed session pursuant to section 2.2-3711A.3 of the Code of Virginia for discussion and consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County, involving property for a new elementary school. The members were polled:

Patricia A. Paige	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

Mr. Evelyn moved to come out of closed session. The members were polled:

Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
Patricia A. Paige	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

Mr. Evelyn moved to certify by roll call vote that to the best of each Board member's knowledge only public business matters lawfully exempted from the open meeting requirements of the Freedom of Information Act and identified in the motion to go into closed session were heard, discussed or considered in the closed session. The members were polled:

W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

IN RE: ADJOURNMENT

Ms. Paige moved to adjourn the meeting. The members were polled:

Thomas W. Evelyn	Aye
Patricia A. Paige	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
C. Thomas Tiller, Jr.	Aye

The motion carried.

The meeting was adjourned at 11:22 a.m.